

## **Safeguarding Overview and Scrutiny Committee – 20<sup>th</sup> April 2023**

### **Safeguarding of Permanently Excluded Pupils**

#### **Recommendation**

I recommend that the Committee:

- a. Considers and challenges the work undertaken to ensure we safeguard children and young people permanently excluded from schools and advises of any further information and /or action required.

#### **Local Member Interest:**

N/A

#### **Report of Councillor Jonathan Price, Cabinet Member for Education (and SEND)**

#### **Summary**

##### **What is the Overview and Scrutiny Committee being asked to do and why?**

1. The Committee has been asked to consider the approach and progress to date in ensuring we safeguard pupils who are permanently excluded from school.

#### **Report**

##### **School Duties**

2. A permanent exclusion is when a pupil is no longer allowed to attend a school. The decision to exclude a pupil permanently should only be taken:
  - a. in response to a serious breach or persistent breaches of the school's behaviour policy; and
  - b. where allowing the pupil to remain in school would seriously harm the education or welfare of the pupil or others such as staff or pupils in the school
3. Only the Headteacher can permanently exclude a pupil on disciplinary grounds. Any decision of a headteacher, including permanent exclusion,

must be made in line with the principles of administrative law, i.e., that it is: lawful; reasonable; fair; and proportionate.

4. The headteacher must take account of their legal duty of care when sending a pupil home following an exclusion.
5. Headteachers should:
  - a. take reasonable steps to ensure that work is set and marked for pupils during the first 5 school days where the pupil will not be attending alternative provision.
  - b. inform any support services or professionals working with the pupil or their family of the exclusion.
6. We recognise information sharing is vital in safeguarding children and promoting their welfare, including their educational outcomes. Therefore, we provide headteachers with a notification of permanent exclusion form to complete and send to the education inclusion team. This allows us to have a comprehensive understanding of the pupil, the support services around them and an outline of the reason for exclusion.
7. There is now an additional requirement for Headteachers to - without delay, notify the child's social worker, and/or the Virtual School Head if the pupil is in the care of the local authority.
8. The Education Inclusion Officers (EIO) and the Virtual school have been working with social care colleagues to raise awareness of this new requirement and equip social workers with knowledge they need to support the pupils open to them.

### **Local Authority duties – Inclusion team**

9. In Staffordshire we have four Education Inclusion Officers who each work across two districts to provide statutory support to schools, pupils and families in respect of permanent exclusions.
10. The EIO will contact the headteacher to discuss the individual circumstances of the permanent exclusion. They will offer challenge and support about each exclusion to see if it could be rescinded if an alternative solution was found. This may take the form of a managed move, prevention placement at an alternative provision or a restorative conference.
11. A key safeguarding function of the EIO's is to arrange suitable full-time education for the pupil to begin from the sixth school day after the first

day the permanent exclusion took place. Predominantly this will be met by the pupil attending their nearest pupil referral unit (PRU).

12. We have six secondary PRU's, a secondary Progress Centre and one primary PRU across the county.
13. Each excluded pupil is also discussed at the weekly Alternative Provision Panel (APP), where we will confirm and monitor their sixth day provision. The APP may agree to send a pupil to another PRU if they feel sending them to their local PRU would not be in their or other pupils' best interests.
14. The APP is a weekly multi-disciplinary panel (attendees - Youth offending, PRU headteacher, SEND, EIO's, education welfare, education commissioner) which agrees and monitors alternative provision for pupils. This panel will challenge and reconsider provision if it appears it is not meeting the needs of the pupil, or the pupil is not engaging with the provision.
15. With pupils who cannot attend a PRU the APP will consider what other alternative provision we can put in place. This may require us to commission a service which may take us outside of the sixth day expectation. In these situations, the EIO will work closely with the family and other professionals to ensure the pupil is safeguarded.
16. For pupils attending a PRU or the progress centre their safeguarding and welfare is the responsibility of the that provisions head teacher.
17. For pupils who receive alternative commissioned provision, the commissioned provider will take an active role in safeguarding the pupil and their provision will be reviewed regularly by the APP.
18. All the commissioned providers have undergone a robust process to become an approved provider, which included the scrutiny of their safeguarding policy.
19. The EIO and PRUs will undertake the Multi-Agency Child Exploitation (MACE) screening tool if needed and/or make referrals to other support services as appropriate.
20. For excluded pupils with special educational needs or disabilities (SEND) the EIO will liaise closely with the SEND key worker to ensure whatever provision we put in place meets their needs, until another long-term provision can be secured.

### **Link to Strategic Plan**

21. Offer every Staffordshire child and young person the best start in life, and the chance to achieve their potential.

### **Link to Other Overview and Scrutiny Activity**

N/A

### **Community Impact**

N/A

### **List of Background Documents/Appendices:**

DFE guidance - Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement - September 2022

Keeping children safe in education - September 2022

### **Contact Details**

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